

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE METHYL TERTIARY BUTYL ETHER
PRODUCTS LIABILITY LITIGATION**

This document relates to:

City of New York v. Amerada Hess Corporation, et al.,
No. 04 Civ. 3417 (SAS)

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

**DECLARATION OF LISA GERSON IN SUPPORT OF
DEFENDANT EXXON MOBIL CORPORATION'S
MOTION TO EXCLUDE OPINIONS OF PLAINTIFF'S EXPERT DAVID TERRY**

Lisa Gerson, an attorney duly licensed to practice law in the State of New York and in the United States District Court for the Southern District of New York, hereby declares the following under penalties of perjury:

1. I am a member of the law firm of McDermott Will & Emery LLP, counsel for the Exxon Mobil Corporation ("ExxonMobil") Defendants in the above-captioned matter. I submit this Declaration in support of ExxonMobil's Motion To Exclude Opinions of Plaintiff's Expert David Terry (hereinafter "Motion"). This Declaration authenticates the exhibits attached hereto and relied on in support of the Motion. In accordance with this Court's Individual Rules and Procedures, the exhibits have been excerpted to include only the relevant material. Copies of each of the exhibits appended hereto were made at my direction on or around July 13, 2009.
2. Attached hereto as Exhibit A is a true and correct copy of relevant pages from the Expert Rebuttal Report of David B. Terry (Mar. 23, 2009).
3. Attached hereto as Exhibit B is a true and correct copy of relevant pages from day 3 of the deposition of David B. Terry (July 1, 2009).

4. Attached hereto as Exhibit C is a true and correct copy of relevant pages from the Second Errata to February 6, 2008 Expert Report of David B. Terry (Apr. 20, 2009).

5. Attached hereto as Exhibit D is a true and correct copy of relevant pages from day 1 of the deposition of David B. Terry (Apr. 6, 2009).

6. Attached hereto as Exhibit E is a true and correct copy of relevant pages from the *Delta Consultants Groundwater Monitoring Report for 165-25 Liberty Ave.* (Aug. 26, 2008) (BPCITYNY0000279).

7. Attached hereto as Exhibit F is a true and correct copy of relevant pages from the *Delta Environmental Consultants Subsurface Hydrocarbon Assessment Report for BP Service Station Number 4318* (Apr. 15, 2004) (BPII 000361573, 000361583-84).

8. Attached hereto as Exhibit G is a true and correct copy of figure 3 from the Feb. 6, 2009 Report of David B. Terry, with distance notation added.

9. Attached hereto as Exhibit H is a true and correct copy of relevant pages from day 2 of the deposition of Marcel G. Moreau (Apr. 9, 2009).

10. Attached hereto as Exhibit I is a true and correct copy of relevant pages from the Expert Report of Donald K. Cohen and Marnie A. Bell (Feb. 7, 2009).

11. Attached hereto as Exhibit J is a true and correct copy of relevant pages from day 2 of the deposition of David B. Terry (Apr. 7, 2009).

12. Attached hereto as Exhibit K is a true and correct copy of relevant pages from the Expert Site Specific Report of Marcel Moreau (Feb. 6, 2009).

Dated: July 13, 2009
New York, NY

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa Gerson", is written over a horizontal line.

Lisa Gerson